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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LYNDON M. BAPTIST,

14 Defendant.
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Case No. 2:15-CR-00032-KJD-CWH

ORDER

16 Presently before the Court is Defendant's Motion for Early Termination of Supervised
17 Release (#5). The Government filed a response in opposition (#8) to which Defendant responded
18 (#9).

19 A district court enjoys "broad discretion" when, after it takes into account the statutorily
20 required factors, it discharges a defendant's supervised release. United States v. Jeanes, 150 F.3d
21 483, 484 (5th Cir. 1998). The defendant, however, bears the burden of demonstrating that early
22 termination of his supervised release is justified. See United States v. Weber, 451 F.3d 552, 559 n. 9
23 (9th Cir. 2006). Title 18 U.S.C. § 3583(e) states:

24 (e) **Modification of conditions or revocation.** The court may, after considering the
25 factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5),
26 (a)(6), and (a)(7)

1 (1) terminate a term of supervised release and discharge the defendant released at any
2 time after the expiration of one year of supervised release, pursuant to the provisions
3 of the Federal Rules of Criminal Procedure relating to the modification of probation,
if it is satisfied that such action is warranted by the conduct of the defendant released
and the interests of justice[.]

4 The Court has considered the following factors under 18 U.S.C. §§ 3553(a): (1) the nature
5 and circumstances of the offense and the history and characteristics of the defendant; (2) deterrence;
6 (3) protection of the public; (4) the need to provide the defendant with educational, vocational
7 training, medical care or other rehabilitation; (5) the sentence and sentencing range established for
8 the category of defendant; (6) any pertinent policy statement by the Sentencing Commission; (7) the
9 need to avoid unwarranted sentence disparities among defendants with similar records who have
10 been found guilty of similar conduct; and (8) the need to provide restitution to any victims of the
11 offense. See 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

12 In this action, Defendant admits to drug use since he has been released from custody.
13 Additionally, he has failed to appear for two additional urinalysis tests. Finally, he has failed to
14 maintain stable employment and a stable place of residence. He does not dispute these facts in
15 response to the Government's opposition. Defendant has failed to meet his burden in showing that
16 early termination of supervised release is justified.

17 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Early Termination of
18 Supervised Release (#5) is **DENIED**.

19 DATED this 27th day of January 2016.
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23 Kent J. Dawson
24 United States District Judge
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